APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,157	11/12/2003	Edgar A. Tu	SCEA03007US00/1666	7578

24272 7590 10/31/2007		

Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

EXAMINER
CHEA, PHILIP J

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/706,157	TU ET AL.
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 August 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071025

DETAILED ACTION

This Office Action is in response to an Amendment filed August 6, 2007. Claims 1-52 are

currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al. (US

2004/0201709), herein referred to as McIntyre, further in view of Hiroshi (JP 2003-141031).

As per claims 1,21,41-47,52, McIntyre discloses a system for performing a streamlined photo

distribution procedure in an electronic network, comprising:

a photo data source configured to provide photo data to a source device in said electronic

network (see paragraph 98, where a photo data source is considered an electronic camera and source

device is considered a computer Fig. 1 [10], coupled to the electronic camera);

[claim 52], a portable electronic device (i.e. an electronic camera is portable);

a source photo manager of said source device configured to designate a message target for

receiving said photo data from said source device (see paragraph 100, where source photo manager

resides on computer in Fig. 1 [10] where a message target is an email address of the photo recipient);

a source mail program of said source device configured to automatically receive said photo data

from said source photo manager, said source mail program automatically creating a photo message that

includes said photo data, said source mail program automatically transmitting said photo message over

said electronic network (see paragraph 100, where a mail program can perform an "auto transfer" to email

pictures to recognized individuals in the pictures; the photo identifier means provided by the DPOF and

the special handling is considered the auto transfer to the recognized recipients);

a target mail program of a target device corresponding to said message target, said target mail

program downloading said photo message from said electronic network (see paragraph 57, where an

individual can be automatically forwarded images when their face is recognized in the photographs).

Although the system disclosed by McIntyre shows substantial features of the claimed invention

(discussed above), it fails to disclose a photo identifier means to request a special handling of said photo

data said target mail program automatically detecting said photo identifier means in said photo message

and a target photo manager of said target device configured to receive said photo data from said target

mail program whenever said photo identifier means is detected said target photo manager automatically

storing said photo data into a target photo album of said target device.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by McIntyre, as evidenced by Hiroshi (JP 2003-141031).

In an analogous art, Hiroshi discloses a photo distribution system that allows a code to be set up

before hand (i.e. photo identifier) to control the placement of the photo (i.e. special handling) and a target

mail program that automatically detects the photo identifier to pass it along to the target photo manager to

automatically store the photo data into a target photo album of the target device according to the photo

identifier (see paragraphs 9,14-15, describing the photo identifier processing and automatic album

insertion).

Given the teaching of Hiroshi, a person having ordinary skill in the art would have readily

recognized the desirability and advantages of modifying McIntyre by employing a photo identifier to

automatically populate a photo album, such as disclosed by Hiroshi, in order to easily manage many

photos without having to manually download each photo and sort into an album.

As per claims 2,22,48, McIntyre further discloses an electronic camera device that

communicates with said source device by utilizing at least one of a wireless and a hard-wired

communication technique (see paragraph 54).

As per claims 3,23, McIntyre further discloses that the source device is implemented as a

consumer-electronics entertainment device that communicates with said target device through the

electronic network (see paragraph 54, where an entertainment device is considered a computer).

As per claims 4,24, McIntyre further discloses that the consumer-electronics entertainment device is network-enabled to communicate over said electronic network, and wherein respective stand-alone functionalities of said electronic camera device and said consumer-electronics entertainment device are combined to effectively perform said streamlined photo distribution procedure in said electronic network (see paragraph 54).

As per claims 6,26,49, Hiroshi further discloses said photo identifier means includes a special photo identifier tag that said source mail program creates as part of a message header of said photo message to thereby identify said photo message as containing said photo data for automatically storing into said target photo album by said target photo manager (see paragraphs 91-93).

As per claims 7,27, McIntyre further discloses said electronic network includes an Internet network, said source device communicating with said target device via said Internet network (see paragraph 53).

As per claims 8,28, McIntyre further discloses said electronic network includes at least one of an intranet network and a peer-to-peer network, said source device communicating with said target device via said at least one of said intranet network and said peer-to-peer network (see paragraph 61, where VPN is considered intranet).

As per claims 9,29, McIntyre further discloses said target photo album is configured to store and display at least one set of said photo data, said at least one set of said photo data including image data corresponding to a captured photographic image and optional ancillary data related to said image data, said target device utilizing said photo manager to selectively organize and manage said at least one set of said photo data in said photo album (see paragraph 110).

As per claims 10,30, McIntyre further discloses said source photo manager of said source device initially performs a message-target pre-selection procedure to designate said message target for receiving said photo data from said source device prior to obtaining said photo data from said photo data source (see paragraph 102, where preselected message attributes are set up by default).

As per claims 11,31, McIntyre further discloses wherein said source photo manager of said source device initiates a streamlined one-click transmission procedure in which said source photo

manager captures said photo data from said photo data source, said source photo manager then

automatically sending said photo data to said source mail program (see paragraph 100).

As per claims 12,32, McIntyre further discloses said source mail program automatically attaches

said photo data and said photo identifier means to said photo message, said source mail program then

automatically transmitting said photo message to a network server in said electronic network for retrieval

by said message target (see paragraph 100).

As per claims 13,33, McIntyre further discloses said source photo manager of said source device

initiates a streamlined two-click transmission procedure in which said source photo manager captures

said photo data from said photo data source, said source photo manager then automatically generating a

message-target user interface for designating said message target for receiving said photo data (see

paragraph 100, where two clicks corresponds to optionally reviewing the captured images requiring a

second click).

As per claims 14,34, McIntyre further discloses said source photo manager of said source device

manages a message-target selection procedure to designate said message target for receiving said

photo data from said source device, said source photo manager then automatically sending said photo

data to said source mail program (see paragraph 100).

As per claims 15,35, McIntyre further discloses said source mail program automatically attaches

said photo data and said photo identifier means to said photo message, said source mail program then

automatically transmitting said photo message to a network server in said electronic network for retrieval

by said message target (see paragraph 100).

As per claims 16,36, McIntyre further discloses said target mail program of said target device

performs a log-in procedure for communicating with a network server of said electronic network, said

target mail program then downloading said photo message from said network server to said target device

(see paragraph 61, where the log-in is implied if not inherent by the need for a third party to be authorized

in order to view a users' images).

As per claims 17,37, Hiroshi further discloses a special photo-message reader of said target mail program decodes a message of said photo message to determine whether said photo identifier means is detected as part of said photo message (see paragraphs 91-93).

As per claims 18,38, McIntyre further discloses said target mail program automatically provides said photo data to said target photo manager whenever said photo identifier means is detected, said target photo manager automatically storing said photo data into said target photo album of said target device (as discussed above, it would have been obvious to include a photo album manager in order to share the photos and immediately receive them instead of waiting for the album to be mailed).

As per claims 19,39, McIntyre further discloses said source photo manager designates a plurality of message targets for receiving said photo data from said source device, said source mail program of said source device automatically transmitting a plurality of photo messages over said electronic network to said plurality of message targets, a plurality of target devices automatically storing respective copies of said photo data into corresponding target photo albums (see paragraph 100, where it would be obvious to email photo albums as discussed above).

As per claims 20,40, McIntyre further discloses said photo message is alternately implemented to distribute at least one of audio data, graphics data, video data, and text data instead of said photo data (see Fig. 17, where text data can also be distributed).

As per claim 50, McIntyre further discloses that said source data manager designates one or more message targets for receiving data by selecting from a message target address book, utilizing a message target default set, or manually entering one or more message target addresses (see paragraph 100).

As per claim 51, McIntyre further discloses said source data manager automatically stores said data into a local data album corresponding to said source device while said source device also automatically transmits said data over said electronic network (see paragraph 54).

3.   Claims 5,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre in view of Hiroshi as applied to claims 3,23 above, and further in view of PC Game History.

As per claims 5,25, McIntyre discloses the consumer-electronics entertainment device is configured to include a hard-disk-drive memory device said consumer-electronics entertainment device being further configured to include a broadband navigator and a network adapter for communicating over said electronic network (see paragraph 55).

Although the system disclosed by McIntyre shows substantial features of the claimed invention (discussed above), it fails to disclose storing one or more electronic gaming programs.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by McIntyre, as evidenced by PC Game History.

In an analogous art, PC Game History discloses that personal computers have been used to play games for years (see page 2, 1981).

Given the teaching of PC Game History, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McIntyre by employing a storage for one or more electronic game programs, such as disclosed by PC Game History, in order to utilize the computers processing power for entertainment purposes.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

<div style="text-align:right">

Philip J Chea
Examiner
Art Unit 2153
</div>

PJC 10/25/07

THU HA NGUYEN
PRIMARY EXAMINER